

MAR 29 2011

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

JULIA C. DUDLEY, CLERK
BY: *J.C. Dudley*
DEPUTY CLERK

ROBERT ALLAN UNGER, JR.,)	Civil Action No. 7:10-cv-00563
Petitioner,)	
)	ORDER
v.)	
)	By: Hon. James C. Turk
BRUCE CONOVER,)	Senior United States District Judge
Respondent.)	

In accordance with the written memorandum opinion entered this day, it is hereby

ORDERED

that respondent's motion to dismiss is **GRANTED**; petitioner's petition for writ of habeas corpus, pursuant to 28 U.S.C. §2254, is **DISMISSED without prejudice** for failure to exhaust state court remedies; a Certificate of Appealability is **DENIED**; and the action is **STRICKEN** from the active docket of the court.

The Clerk is directed to send a certified copies of this final order and the accompanying memorandum opinion to the petitioner.

ENTER: This 29th day of March, 2011.

James C. Turk

Senior United States District Judge